

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BELLSOUTH TELECOMMUNICATIONS, INC.)	
D/B/A AT&T KENTUCKY'S PETITION)	
REQUESTING THE COMMISSION'S)	CASE NO.
INTERVENTION IN NANPA NXX CODE)	2008-00381
ASSIGNMENTS (NPA 270))	

O R D E R

On March 4, 2008, BellSouth Telecommunications, Inc. d/b/a AT&T Kentucky ("AT&T Kentucky") filed a petition requesting that this Commission review and overturn a determination by the North American Numbering Plan Administration ("NANPA").¹ The petition was filed pursuant to 47 C.F.R. § 52.15(g)(4), wherein the Commission is granted the authority to "overturn the NANPA's decision to withhold numbering resources from the carrier based on its determination that the carrier has demonstrated a verifiable need for numbering resources and has exhausted all other available remedies."

AT&T Kentucky explains that the assignment of an NXX code is needed to meet the numbering demands of Owensboro Medical Health System in Owensboro, Kentucky, a customer of AT&T Kentucky. Specifically, the code assignment request is for a growth code in the 270 Numbering Plan Area ("NPA") to meet Owensboro Medical

¹ NANPA is an independent non-governmental entity selected by the Federal Communications Commission ("FCC") and is responsible for administering and managing the North American Numbering Plan ("NANP"). Neustar, Inc. is currently contracted by the FCC as the NANPA and Pooling Administrator.

Health System's request for a dedicated block of 10,000 sequential numbers.² AT&T Kentucky does not have sufficient numbering resources available within its inventory in the available pool for the specified wire center in the Owensboro rate center and is unable to meet Owensboro Medical Health System's specific need for numbering resources. Hence, on September 3, 2008, AT&T Kentucky electronically submitted to NANPA an application requesting assignment of a new central office code (NXX) in the Owensboro rate center in order to address the business needs of Owensboro Medical Health System.³ The application process with NANPA requires the submission of information used for a Months-To-Exhaust ("MTE") and Utilization Certification Worksheet ("Worksheet") pertaining to the affected rate center.⁴ Based on the submitted information and resulting calculations, NANPA concluded that AT&T Kentucky did not meet the FCC's required guideline for MTE of 6 months or less or the utilization threshold requirement of 75 percent.⁵ Therefore, NANPA determined that AT&T Kentucky's request for additional numbering resources should be denied.

NANPA is not a policy-making entity. In making assignment decisions, NANPA follows regulatory directives and industry-developed guidelines. NANPA's

² See AT&T Kentucky's Petition for Review.

³ Specifically, the code block request submitted by AT&T Kentucky was for its Owensboro switch, but current FCC rules require the evaluation of number utilization for the entire rate center before assignment of new numbering resources.

⁴ In accordance with 47 C.F.R. § 52.15(g)(3), the MTE and utilization level are calculated by the Worksheet based on various inputs supplied by the applying carrier.

⁵ According to the Worksheet, the MTE for the Owensboro rate center was calculated to be 9.98 months with a utilization rate of 67.74 percent.

responsibilities are defined in FCC rules and in comprehensive technical requirements drafted by the telecommunications industry and approved by the FCC.⁶

Pursuant to 47 C.F.R. § 52.15(g)(4), this Commission may overturn the determination of NANPA if the requesting carrier has demonstrated that a verifiable need for numbering resources exists and that all other available remedies have been exhausted. The Commission finds that AT&T Kentucky has demonstrated a verifiable need for additional numbering resources by presenting the request of a specific customer, Owensboro Medical Health System, for a dedicated block of 10,000 sequential numbers. AT&T Kentucky advises that it will be unable to provide telecommunications services requested by the customer without additional numbering resources in the Owensboro rate center. The Commission further finds that AT&T Kentucky has exhausted all available remedies in the Owensboro rate center to the extent that no combination of existing numbering resources in the Owensboro rate center can be employed to meet the customer's demand for a dedicated block of 10,000 sequential numbers. According to AT&T Kentucky, its Owensboro switch serving the Owensboro rate center does not have a large enough block of sequential numbers to meet the customer's need.

This Commission finds that: the NANPA determination to deny AT&T Kentucky the additional numbering resources described herein should be overturned; and NANPA should be directed to assign to AT&T Kentucky a block of 10,000 sequential numbers in the Owensboro center. The Commission notes that the numbering resources considered in this Order are to be assigned for the sole use of serving AT&T Kentucky's

⁶ See generally, 47 C.F.R. § 52.

customer, Owensboro Medical Health System, in the Owensboro rate center. If the service requested by Owensboro Medical Health System is withdrawn, declined, or terminated, the associated numbering resources approved in this Order should be returned to the NANPA and may not be utilized to serve other customers without first meeting NANPA numbering resource guidelines. In addition, the Commission finds that the numbering resources granted in this Order should be subject to Section 8.3.10 of the Thousands-Block Number Pooling Administration Guidelines ("TBPAG") concerning the activation and assignment of numbers within the thousands-block granted in this Order.⁷

IT IS THEREFORE ORDERED that:

1. AT&T Kentucky's petition regarding NANPA's denial of its application for assignment of additional numbering resources in the 270 NPA is granted.
2. The decision of NANPA denying AT&T Kentucky's request for assignment of a block of 10,000 sequential numbers in the Owensboro rate center is hereby overturned.
3. NANPA shall assign AT&T Kentucky an available block of 10,000 sequential numbers for the Owensboro switch in the Owensboro rate center.
4. The numbering resources considered in this Order are to be assigned for the sole use of serving AT&T Kentucky's customer, Owensboro Medical Health System, in the Owensboro rate center. If the service requested by Owensboro Medical Health

⁷ Section 8.3.10 states that "A thousands-block assigned to an SP should be placed into service by the applicable activation deadline, that is, six months after the original effective date returned on the Part 3 and entered on the BCD/BCR screen in BIRRDs." It further states that confirmation that the block has been placed into service is mandatory, or else the thousands-block could be subject to reclamation.

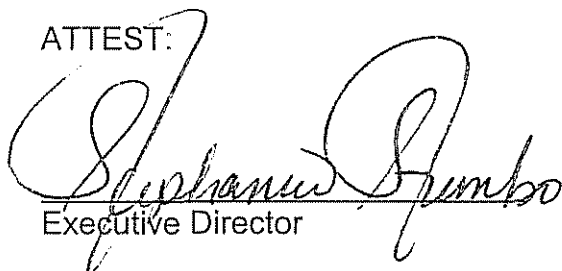
System is withdrawn, declined, or terminated, the associated numbering resources approved in this Order shall be returned to NANPA. Additionally, the numbering resources granted herein shall be subject to Section 8.3.10 of the TBPAG.

Done at Frankfort, Kentucky, this 8th day of October, 2008.

By the Commission

Chairman Armstrong Abstains.

ATTEST:


Executive Director